

Attorney Docket No. 01-023
Application Serial No. 09/933,588

Applicants request acceptance of the executed Declaration and Power of Attorney for Patent Application, which applicants filed with the USPTO on August 24, 2001.

PATENT

Attorney Docket No. 01-023
Application Serial No. 09/933,588Relevant facts and proof

Applicants filed the present patent application on August 21, 2001. No Oath or Declaration was filed with the application on August 21, 2001.

On August 24, 2001, Applicants filed in connection with the present application a Transmittal Letter, with executed Assignment of Rights, Title and Interest in Invention, Recordation Form Cover Sheet, and Declaration and Power of Attorney for Patent Application.

On September 4, 2001, Applicants received the Return Receipt Postcard, (copy enclosed herewith) stamped by the USPTO, indicating that a Transmittal Letter, with executed Assignment of Rights, Title and Interest in Invention, Recordation Form Cover Sheet, and Declaration and Power of Attorney for Patent Application were received on August 27, 2001.

On September 28, 2001, Applicants received a Notice to File Missing Parts of Nonprovisional Application indicating the oath and declaration, and Figures 10A and 10B were missing.

On October 4, 2001, Applicants filed a preliminary amendment correcting the specification to refer to Fig. 10, rather than Figs. 10A and 10B, rendering the request for Fig 10A and 10B unnecessary.

Entry of a duplicate set of the previously filed Declaration and Power of Attorney for Patent Application enclosed herein is respectfully requested.

Petition Fee

Please charge \$130.00 for this petition to our Deposit Account No. 50-0271. Please charge any additional fees that may be required for this Petition, or credit any overpayment or refund to Deposit Account No. 50-0271.

PATENT

Attorney Docket No. 01-023
Application Serial No. 09/933,588

If an additional extension of time is required in addition to that requested in a petition for an extension of time, please grant a petition for that extension of time which is required to make this Response timely, and please charge any fee for such extension to Deposit Account No. 50-0271.

November 26, 2001
Date

Respectfully submitted,



Dean Alderucci
Attorney for Applicants
Registration No. 40,484
Walker Digital Corporation
Five High Ridge Park
Stamford, CT 06905-1326
(203) 461-7337 / voice
(203) 461-7300 / fax

RECEIVED

MAR 28 2002

OFFICE OF PETITIONS

Express Mail Label No.

Docket No.

01-023

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Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

METHOD AND APPARATUS FOR PROVIDING A SUPPLEMENTARY PRODUCT SALE AT A POINT-OF-SALE TERMINAL

the specification of which
(check one)

☐ is attached hereto.

☒ was filed on August 21, 2001 as United States Application No. or PCT International

Application Number Not Yet Assigned

and was amended on _____

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

COPY

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

09/045,347

(Application Serial No.)

March 20, 1998

(Filing Date)

Pending: Allowed

(Status)
(patented, pending, abandoned)

08/920,116

(Application Serial No.)

August 26, 1997

(Filing Date)

Patented

(Status)
(patented, pending, abandoned)

08/822,709

(Application Serial No.)

March 21, 1997

(Filing Date)

Patented

(Status)
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

**22927**

PATENT, TRADEMARK OFFICE

Send Correspondence to:

**22927**

PATENT, TRADEMARK OFFICE

Direct Telephone Calls to: (name and telephone number)

Magdalena M. Fincham 203.461.7041

Full name of sole or first inventor Dean P. Alderucci	Date August 24 2001
Sole or first inventor's signature <i>Dean Alderucci</i>	
Residence 116 Pinewood Road, Stamford, CT 06903	
Citizenship USA	
Post Office Address s/a	

Full name of second inventor, if any Andrew S. Van Luchene	Date August 22, 2001
Second inventor's signature <i>Andrew S. Van Luchene</i>	
Residence 298 Elizabeth, New York, NY 10012	
Citizenship USA	
Post Office Address s/a	

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/933,588	08/21/2001	Dean P. Alderucci	01-023

22927
WALKER DIGITAL
FIVE HIGH RIDGE PARK
STAMFORD, CT 06905

File No:	01-023
Attorney:	DPA
Due Date:	11/25/01
Docketed:	09/28/01

CONFIRMATION NO. 6856

FORMALITIES LETTER



0C00000006787225

Date Mailed: 09/25/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

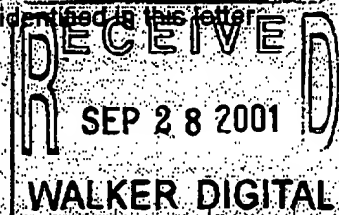
Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(f) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

The following item(s) appear to have been omitted from the application:

- Figure(s) Fig 10A, Fig10B described in the specification.



Preliminary Amendment prepared & filed OCT 4/01

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit must be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date must be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the

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original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

COPY 0300

WALKER DIGITAL
FIVE HIGH RIDGE PARK
STAMFORD, CT 06905
(203) 461.7000

FACSIMILE TRANSMITTAL SHEET

TO: JANICE BURSE

FROM: Veronika S. Leliever
Senior Patent Paralegal

COMPANY: USPTO

DATE: November 26, 2001

FAX NUMBER: 1 (703) 308.7749

TOTAL NO. OF PAGES INCLUDING
COVER: 11

PHONE NUMBER: 1 (703) 308.1202

SENDER'S FAX # 1 (203) 461.7300

RE: WALKER DIGITAL, LLC

SENDER'S PHONE EXTENSION
(203) 461.7035

X URGENT X FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

FORMAL RESPONSE

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being
Transmitted to the United States Patent and
Trademark Office (Fax No. 703.308.7749) on
November 26, 2001.

Dated: November 26, 2001, By:

Veronika S. Leliever
Veronika S. Leliever

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TRANSMITTAL LETTER
(General - Patent Pending)Docket No.
01-023In Re Application Of: **ALDERUCCI et al.**Serial No.
09/933,588Filing Date
August 21, 2001Examiner
Not Yet AssignedGroup Art Unit
Not Yet AssignedTitle: **METHOD AND APPARATUS FOR PROVIDING A SUPPLEMENTARY PRODUCT SALE AT A POINT-
OF-SALE TERMINAL**TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is:

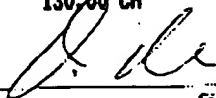
Copy of Notice to File Missing Parts of Nonprovisional Application, 2 pp.;
Petition to Request Acceptance of Declaration and Power of Attorney for Patent Application, 3 pp.;
Copy of Return Receipt Postcard with USPTO Stamp confirming receipt, 1 pg.; and
Copy of Declaration and Power of Attorney for Patent Application, 3 pp.

in the above identified application.

- ☐ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
- ☒ The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. **50-0271**
as described below. A duplicate copy of this sheet is enclosed.
- ☒ Charge the amount of **\$130.00**
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.

01/07/2002 SSALEKU 00000018 500271 09933588

01 FC:105 130.00 CH



Signature

Dated: November 26, 2001

Dean P. Alderucci
Attorney for Applicants
PTO Registration No. 40,484
203.461.7337/phone
203.461.7300/fax

Customer No. 22927

Aldcrucci@walkerdigital.com

CC:

I certify that this document and fee is being deposited
on November 26, 2001 with the U.S. Postal Service as
first class mail under 37 C.F.R. 1.8 and is addressed to the
Assistant Commissioner for Patents, Washington, D.C.
20231.

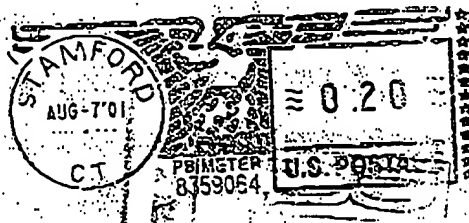
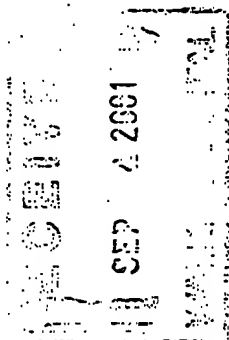


Signature of Person Mailing Correspondence

Veronika S. Leliever

Typed or Printed Name of Person Mailing Correspondence

COPY



Veronika S. Leliever
Intellectual Property Department
Walker Digital Corporation
Five High Ridge Park
Stamford, CT 06905

AUG 27 2001

Commissioner for Patents:

Date Received:

Applicant: Alderucci et al.
Appl. No.: Not Yet Assigned
Filing Date: August 27, 2001
Title: METHOD AND APPARATUS FOR PROVIDING A SUPPLEMENTARY
PRODUCT SALE AT A POINT-OF-SALE TERMINAL
(01-023)

Sir:

Please acknowledge receipt of the following papers by stamping the date received on this card on this card and returning the same to the addressee.

- Transmittal Letter, 1 pg., (x2);
- Recordation Form Cover Sheet, 2 pp., (x2);
- Assignment of Rights, Title and Interest in Invention, 3 pp.;
- Declaration and Power of Attorney for Patent Application, 3 pp.;

Date mailed: August 24, 2001